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OFFICE OF PETITIONS

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|-------------------------------|---|-------------|
| In re Application of | : | |
| Balassanian et al. | : | |
| Application No. 09/688,581 | : | ON PETITION |
| Filed: October 16, 2000 | : | |
| Attorney Docket No. 3802-4032 | : | |

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 13, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 21, 2005. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is January 22, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal

disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

A request for three months extension of time under 37 CFR 1.136 was included with the instant petition filed November 13, 2006 along with a fee of \$510. The \$510 extension of time fee submitted is unnecessary and will be credited to petitioner's deposit account 501050.

The Power of attorney filed October 30, 2006 has been reviewed and is not accepted since it is not signed by all the inventors of record. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received to the contrary.

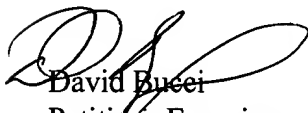
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at 571 – 272 – 4914, or to the undersigned at 571-272-7099.


David Bucci
Petitions Examiner
Office of Petitions

cc: JAMES A. BORN,
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